



SF 2351 – Strangulation (LSB 1429SV)

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Fiscal Note Version – New

Requested by Senator Keith A. Kreiman

Description

Senate File 2351 enhances the penalty for certain domestic abuse assault cases where the offender knowingly strangles another person. The Bill provides for an aggravated misdemeanor or a non-forcible Class D felony, depending on the injury.

Background

Correctional and Fiscal Information

- Current law provides for a graduated system of penalties for domestic abuse assault, ranging from a simple to an aggravated misdemeanor for the first conviction, a serious or aggravated misdemeanor for a second conviction, and a Class D felony for a third or subsequent conviction.
- Creating a non-forcible Class D felony for the specific offense of strangulation provides that the offender may receive a sentence of prison or probation.
- In FY 2009 there were a total of 2,847 offenders convicted of domestic abuse assault as follows: 1,207 simple misdemeanors, 1,032 serious misdemeanors, 560 aggravated misdemeanors, and 48 Class D felonies.
- An estimated 336 offenders annually will be charged under this Bill as follows: 124 offenders currently charged for a simple and 15 offenders currently charged for a serious will be charged as an aggravated misdemeanor; 129 offenders currently charged for a serious misdemeanor will be charged for a Class D felony; 52 offenders currently charged for an aggravated will remain as an aggravated misdemeanor; and 16 offenders currently charged for a Class D felony will remain as a Class D felony.
- The following current dismissal and acquittal rates for domestic abuse assault were applied to the charges as follows; 48.0% for simple misdemeanors, 39.0% for serious misdemeanors, 33.0% for aggravated misdemeanors, and 27.0% for Class D felonies. Current plea bargaining practices were applied.
- The marginal cost per day for prison is \$18.29. The incarceration rate to prison is 51.5% for a Class D felony, 14.4% for an aggravated misdemeanor, and 2.1% for a serious misdemeanor.
- The average length of stay in prison is 21 months for a Class D felony and 10.5 months for an aggravated misdemeanor.
- The average cost per day for parole or probation is \$3.64. The average length of stay on probation is 18.3 months for an aggravated misdemeanor and 11.2 months for a serious misdemeanor. The average length of stay on parole is 14.7 months for a Class D felony and 6.6 months for an aggravated misdemeanor.
- The average cost per case for indigent defense is \$300 for a simple misdemeanor, \$600 for a serious misdemeanor, and \$1,200 for an aggravated misdemeanor or Class D felony.
- The average cost per case is \$26 for a bench trial for a simple misdemeanor, \$200 for a serious or aggravated misdemeanor, and \$405 for a Class D felony.

Minority Data Information

- For FY 2009 convictions where race was known, 61.8% were white, 26.1% were black, and 12.1% were other minorities.
- The U.S. Census estimate for Iowa was 3.0 million people as of July 1, 2008 (the most current estimate available). Men comprise 49.3% of the population. Approximately 92.0% of Iowa's population is white. The composition of the remaining 8.0% is: 3.2% black, 0.3% American Indian or Alaska Native; 1.7% Asian; and 2.8% is of two or more races or unknown.
- Iowa's prison population was 8,454 offenders on June 30, 2009. Men comprised 92.1% of the population. According to the Criminal and Juvenile Justice Planning Division (CJJPD) of the Department of Human Rights, the racial composition of the prison system was: 71.4% white; 25.8% black; 0.9% Asian or Pacific Islander; and 1.9% American Indian or Alaska Native. Included in these racial groups were 6.7% that identified themselves as Hispanic (nearly all of these identified themselves racially as being white).
- According to the CJJPD, on June 30, 2009, approximately 7.9% of the offenders in prison were women and 26.5% of offenders under supervision in Community-Based Corrections (CBC) were women. Approximately 21.9% of the total offender population under correctional supervision was women.

Assumptions

Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, and other corrections policies and practices will not change over the projection period.
- The law will become effective July 1, 2010. A lag effect of six months is assumed from the effective date to the date of first entry of affected offenders into the correctional system.
- Half of the defendants will be indigent.
- These cases will be bench trials.

Minority Data Information: Approximately 14.0% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.0%.

Summary of Impacts

Correctional Impact

On an annual basis, it is estimated there will be 107 fewer simple misdemeanor convictions, three more serious misdemeanor convictions, 109 more aggravated misdemeanor convictions, and 14 more Class D felony convictions. On an annual basis there will be an estimated 23 new admissions to prison; seven will be Class D felons and 16 will be aggravated misdemeanants. On an annual basis there will be 55 admissions to probation or parole: there will be 11 fewer simple, 1 more serious, and 48 aggravated misdemeanants admitted to probation, plus 7 Class D felons. In addition, 10 offenders annually will be released from prison and placed on parole. The table below shows the impact on the corrections system – prison and Community-Based Corrections (CBC). Admissions are adjusted for the first year due to the six-month lag effect. The population increases by more than the number of admissions because the average length of stay generally exceeds one year.

Projected Corrections Population Increase

	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Prison	12	25	26	26	26
CBC	28	55	67	68	68

Minority Impact

The minority impact is expected to be minimal because the majority of offenders convicted are white males.

Fiscal Impact

The fiscal impact is estimated to be an increased cost to the General Fund of \$132,000 in FY 2011 and \$387,000 in FY 2012. The table below shows the impact by areas within the criminal justice system.

Fiscal Impact		
	FY 2011	FY 2012
Indigent Defense	\$ 50,000	\$ 99,000
Court System	24,000	48,000
Prison	40,000	167,000
CBC	18,000	73,000
Total	\$ 132,000	\$ 387,000

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Public Defender
Office of the Attorney General
Judicial Branch

/s/ Holly M. Lyons

February 23, 2010

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56](#), [Code of Iowa](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
